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| SHORTENED STATUTORY PERIOD OF RESPONSE | NOTIFICATION DATE | DELIVERY MODE |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

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PTOL-90A (Rev. 10/06)

| | Application No. | Applicant(s) |
| **Office Action Summary** | 09/843,102 | DETREVILLE, JOHN D. |
| | Examiner | Art Unit | |
| | Matthew T. Henning | 2131 | |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on <u>01 December 2006</u>.

2a) ☒ This action is **FINAL**.     2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) <u>1-17 and 20-52</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-17 and 20-52</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>24 April 2001</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>12/01/2006</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

1          This action is in response to the communication filed on 12/01/2006.

2                                    **DETAILED ACTION**

3                            *Information Disclosure Statement*

4          The information disclosure statement (IDS) submitted on 12/01/2006 is in compliance

5    with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being

6    considered by the examiner.

7                                  *Response to Arguments*

8          Applicant's arguments filed 12/01/2006 have been fully considered but they are not

9    persuasive.

10         The examiner notes that what the applicants' regard as the invention, as clearly evidenced

11   by the specification, is not related to virus scanning or virus detection, and yet the claim

12   language of at least some of the claims reads on standard virus scanning procedures. The

13   examiner suggests that the scope of the claim language be narrowed in such a way to clearly

14   point out that the invention deals with detection of pirated content. This could be as simple as

15   reciting in the claim language that the compressed content pieces are compressed pieces of

16   known pirated content. Such an addition to the claim language would overcome the rejections in

17   view of Edwards, as Edwards is dealing with comparisons to virus signatures.

18         Regarding applicants' argument that the use of "highly" in the claim language should be

19   acceptable in light of the specification, the examiner does not find the argument persuasive . The

20   examiner has reviewed the specification and has found no portion of the specification which

21   defines the term "highly compressed". Although, there are examples of what the applicants

22   consider to be "highly compressed", the specification does not set the specific meets and bounds

1    of the term, and, as such, one of ordinary skill in the art would be unable to determine the scope

2    of the claim language. The examiner notes that the specification will not be read into the claim

3    language, as the claims are given the broadest reasonable interpretation. As such, the examiner

4    suggests that if the applicants believe that the term "highly compressed" is defined in the

5    specification, that this definition be incorporated directly into the claim language. Again, the

6    examiner does not find the applicants' argument persuasive.

7         Regarding applicants' argument that Cooper did not disclose the device does not perform

8    the comparison, the examiner does not find the argument persuasive. Cooper paragraph 124

9    states "a player of content may check the registry to see if an identical digital certificate is being

10   played by another device". Cooper does not state that the registry performs the checking, but

11   rather that the player performs the checking. As such, Cooper meets the limitations of the claim

12   language. Further still, it would have been clear to one of ordinary skill in the art that in order

13   for the player to check the registry, the contents of the registry would need to be passed to the

14   player. The arguments of the applicants that the registry actually performs the comparison are

15   not consistent with the specification which neither states that this is the case, nor states that the

16   registry is performing the checking. As such the examiner does not find the argument

17   persuasive.

18        Regarding applicants' arguments against the prior art rejections of claims 1-8, 11-15 and

19   46-52, the arguments are moot in view of the new grounds of rejection.

20        Regarding applicants' argument pertaining to claims 29-36, 38-39, and 41-45, that

21   Cooper did not disclose notifying a publisher of the existence of pirated content, the examiner

22   does not find the argument persuasive. Cooper, in paragraph 124, discloses that when pirated

1    content is discovered "the author or publisher may decide how best to communicate an

2    appropriate message to the parties using the [content]". As such, the publisher must have been

3    notified of the piracy in order for the publisher to decide what course of action to take against the

4    user of the content which was detected as pirated. This is further supported by paragraphs 270-

5    271 where the identity of the pirate is determined and action is taken against the pirate. As such,

6    the examiner does not find the argument persuasive.

7         All rejections and objections not specifically set forth below have been withdrawn.

8         Claims 18-19 and 53-57 have been cancelled.

9         Claims 1-17, and 20-52 have been examined.

### *Claim Rejections - 35 USC § 112*

11        The following is a quotation of the second paragraph of 35 U.S.C. 112:

12        The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
13        subject matter which the applicant regards as his invention.
14

15        Claims 1-17, and 20-52 are rejected under 35 U.S.C. 112, second paragraph, as being

16    indefinite for failing to particularly point out and distinctly claim the subject matter which

17    applicant regards as the invention.

18        The term "highly" in the claims is a relative term which renders the claim indefinite. The

19    term "highly compressed" is not defined by the claim, the specification does not provide a

20    standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be

21    reasonably apprised of the scope of the invention. One of ordinary skill in the art would be

22    unable to determine what the applicants consider "highly compressed" and therefore would not

23    be able to render the scope of the claim. For purposes of searching prior art, the examiner will

24    assume that any compression meets this limitation.

1                                    *Claim Rejections - 35 USC § 102*

2          The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

3   basis for the rejections under this section made in this Office action:

4          A person shall be entitled to a patent unless –

5          (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
6          in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
7          patent by another filed in the United States before the invention by the applicant for patent, except that an
8          international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
9          subsection of an application filed in the United States only if the international application designated the United
10         States and was published under Article 21(2) of such treaty in the English language.
11
12         Claims 29-36, 38-39, and 41-45 are rejected under 35 U.S.C. 102(e) as being anticipated

13   by Cooper et al. (US Patent Application Publication 2001/0051996) hereinafter referred to as

14   Cooper.

15         Regarding claim 29, Cooper disclosed a method implemented in a device, the method

16   comprising: comparing a portion of media content to a set of one or more highly compressed

17   pieces of content (See Cooper Paragraph 0124); determining whether the portion of media

18   content matches any of the set of highly compressed pieces (See Cooper Paragraph 0124); taking

19   a programmed action if the portion of media content matches any of the set of highly compressed

20   pieces, the programmed action comprising notifying a publisher of the media content of the

21   existence of pirated content (See Cooper Paragraph 0124), and playing back the content if the

22   determining indicates the portion of media content does not match any of the set of highly

23   compressed pieces (See Cooper Paragraph 0124).

24         Regarding claim 41, Cooper disclosed a device comprising: means for storing a set of

25   highly compressed content pieces (See Cooper Paragraph 0124 Copyright registry); means for

26   determining, at the device, whether the portion of media content matches any of the set of highly

27   compressed content pieces (See Cooper Paragraph 0124); means for taking a particular action if

1    the portion of media content matches any of the set of highly compressed content pieces, the

2    particular action comprising notifying a publisher of the media content of the existence of pirated

3    content (See Cooper Paragraph 0124), and means for playing back the content if the determining

4    indicates the portion of media content does not match any of the set of highly compressed pieces

5    (See Cooper Paragraph 0124).

6          Regarding claims 30-31, Cooper disclosed that the portion of media content comprises a

7    song, or video clip (See Cooper Paragraph 0036).

8          Regarding claim 32, Cooper disclosed performing the comparing while the portion of

9    media content is being played (See Cooper Paragraph 0124).

10          Regarding claim 33, Cooper disclosed performing the comparing while the portion of

11   media content is being downloaded from a content source (See Cooper Paragraph 0219 wherein

12   the content could be streamed to the device).

13          Regarding claims 34-35, and 42-43, Cooper disclosed that the interface is further to

14   subsequently communicate with the source database, retrieve a new subset of the plurality of

15   highly compressed content pieces from the source database, and replace the subset in the storage

16   device with the new subset (See Cooper Paragraph 0124 wherein each time content is played the

17   registry is checked).

18          Regarding claims 36, and 44, Cooper disclosed a content source coupled to the content

19   player, and wherein the content player further comprises a compressor to receive content from

20   the content source, generate a highly compressed content piece based on the received content,

21   and add the generated highly compressed content piece to the subset in the storage device (See

22   Cooper Paragraphs 0120, 0043, 0205, 0212, and 0227 wherein the digital certificate number is

1    signed by the player device and embedded into the content, and at the point in time that the

2    number is signed by the device it has generated a "highly compressed content piece" and it was

3    therefore added to the "subset" on the device).

4         Regarding claim 38, Cooper disclosed that the comparator is to determine whether the

5    content matches any of the plurality of highly compressed content pieces in the subset by

6    comparing a first set of feature values associated with each of the plurality of highly compressed

7    content pieces with a second set of feature values associated with the content, and checking

8    whether at least a threshold number of the first set of feature values is within threshold distance

9    of the second set of feature values (See Cooper Paragraph 0124 wherein the examiner has

10   interpreted the threshold to be "all", in other words that there is an exact match).

11        Regarding claim 39, Cooper disclosed that the first set of feature values and the second

12   set of feature values each comprises a set of audio energy features (See Cooper Paragraph 0124

13   wherein because the data being compared is digital data, and because any digital data can be

14   output to a speaker and will produce noise, the digital data meets the limitation of "audio

15   energy").

16        Regarding claim 45 Cooper disclosed that the storage device is further to store the

17   content (See Cooper Paragraph 0124).

18                          *Claim Rejections - 35 USC § 103*

19        The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

20   obviousness rejections set forth in this Office action:

21        *A patent may not be obtained though the invention is not identically disclosed or described as set forth in section*
22   *102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the*
23   *subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in*
24   *the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention*
25   *was made.*

1

2          Claims 1-8, 11-15, and 46-52 are rejected under 35 U.S.C. 103(a) as being unpatentable

3    over Cooper.

4          Regarding claim 1, Cooper disclosed a system comprising: a source database storing a

5    plurality of highly compressed content pieces (See Cooper Fig. 2 Element 234 and Paragraph

6    0124); and a content player (See Cooper Fig. 2 Element 115 and Paragraph 0124), coupled to the

7    source database (See Cooper Fig. 2), including, an interface to receive a subset of the plurality of

8    highly compressed content pieces from the source database (See Cooper Fig. 2 and Paragraph

9    0124 wherein the examiner has interpreted the player checking the copyright registry as

10   receiving the various digital certificates because the player is checking if the particular digital

11   certificate of the content file is in the content registry), a storage device to store the subset, a

12   comparator to compare the subset to content and determine whether the content matches any of

13   the plurality of highly compressed content pieces in the subset (See Cooper Paragraph 0124), a

14   resolver to take particular action in response to the comparator indicating the content matches

15   one of the plurality of highly compressed content pieces in the subset (See Cooper Paragraph

16   0124), and an output controller to render the content if the comparator indicates that the content

17   does not match any of the highly compressed content pieces in the subset, however, Cooper did

18   not specifically disclose the particular action comprising contacting a remote device to perform a

19   more thorough analysis of whether the content matches any of the plurality of highly compressed

20   content pieces.  However, it would have been obvious to the ordinary person skilled in the art at

21   the time of invention that a user of the player of Cooper would, after the ability to play the

22   content was denied, attempt to play the content again.  In this case, it would have been obvious

23   to the ordinary person skilled in the art that the player would check again in accordance with

1    Paragraph 0124 of Cooper.  This would have been obvious because the ordinary person skilled in

2    the art would have been motivated to continue to protect the copyrights of the content.

3

4          Regarding claim 46, Cooper disclosed one or more computer-readable media having

5    stored thereon a plurality of instructions that, when executed by one or more processors of a

6    computer, causes the one or more processors to perform acts including: checking whether a

7    portion of media content matches a piece of highly compressed content, wherein the piece of

8    highly compressed content cannot be played back to a user in an intelligible form (See Cooper

9    Paragraph 0124); allowing the portion of media content to be played back if the portion of media

10   content does not match the piece of highly compressed content (See Cooper Paragraph 0124);

11   and taking a particular action if the portion of media content does match the piece of highly

12   compressed content (See Cooper Paragraph 0124), however, Cooper did not specifically disclose

13   the particular action comprising contacting a remote device to perform a more thorough analysis

14   of whether the content matches any of the plurality of highly compressed content pieces.

15   However, it would have been obvious to the ordinary person skilled in the art at the time of

16   invention that a user of the player of Cooper would, after the ability to play the content was

17   denied, attempt to play the content again.  In this case, it would have been obvious to the

18   ordinary person skilled in the art that the player would check again in accordance with Paragraph

19   0124 of Cooper.  This would have been obvious because the ordinary person skilled in the art

20   would have been motivated to continue to protect the copyrights of the content.

21

1       Regarding claim 2, Cooper disclosed that the comparator is to compare the subset to

2   content being played by the content player (See Cooper Paragraph 0124).

3       Regarding claim 3, Cooper disclosed that the content player is coupled to the source

4   database via the Internet (See Cooper Paragraph 0124).

5       Regarding claim 4, Cooper disclosed that the plurality of highly compressed content

6   pieces comprises a plurality of highly compressed audio pieces (See Cooper Paragraphs 0036

7   and 0099, in which the "file" is a digital file and is therefore a compressed version of the analog

8   content).

9       Regarding 5, Cooper disclosed that the plurality of highly compressed content pieces

10  comprises a plurality of highly compressed video pieces (See Cooper Paragraphs 0036 and 0099,

11  in which the "file" is a digital file and is therefore a compressed version of the analog content).

12      Regarding claim 6, Cooper disclosed that the plurality of highly compressed content

13  pieces comprises a plurality of highly compressed audio/video pieces (See Cooper Paragraphs

14  0036 and 0099, in which the "file" is a digital file and is therefore a compressed version of the

15  analog content).

16      Regarding claims 7, and 48-49, Cooper disclosed that the interface is further to

17  subsequently communicate with the source database, retrieve a new subset of the plurality of

18  highly compressed content pieces from the source database, and replace the subset in the storage

19  device with the new subset (See Cooper Paragraph 0124 wherein each time content is played the

20  registry is checked).

21      Regarding claims 8, and 50 Cooper disclosed a content source coupled to the content

22  player, and wherein the content player further comprises a compressor to receive content from

1    the content source, generate a highly compressed content piece based on the received content,

2    and add the generated highly compressed content piece to the subset in the storage device (See

3    Cooper Paragraphs 0120, 0043, 0205, 0212, and 0227 wherein the digital certificate number is

4    signed by the player device and embedded into the content, and at the point in time that the

5    number is signed by the device it has generated a "highly compressed content piece" and it was

6    therefore added to the "subset" on the device).

7         Regarding claim 11, Cooper disclosed that the storage device is further to store the

8    content (See Cooper Paragraph 0124).

9         Regarding claim 12, Cooper disclosed a content source, coupled to the content player,

10   from which the content is received (See Cooper Paragraph 0110).

11        Regarding claim 13, Cooper disclosed that the content player receives the content from

12   the content source in its entirety before playback of the content begins (See Cooper Paragraph

13   0110).

14        Regarding claims 14, and 51, Cooper disclosed that the comparator is to determine

15   whether the content matches any of the plurality of highly compressed content pieces in the

16   subset by comparing a first set of feature values associated with each of the plurality of highly

17   compressed content pieces with a second set of feature values associated with the content, and

18   checking whether at least a threshold number of the first set of feature values is within threshold

19   distance of the second set of feature values (See Cooper Paragraph 0124 wherein the examiner

20   has interpreted the threshold to be "all", in other words that there is an exact match).

21        Regarding claims 15, and 52, Cooper disclosed that the first set of feature values and the

22   second set of feature values each comprises a set of audio energy features (See Cooper Paragraph

1  0124 wherein because the data being compared is digital data, and because any digital data can

2  be output to a speaker and will produce noise, the digital data meets the limitation of "audio

3  energy").

4          Regarding claim 47, Cooper disclosed that the portion of media content comprises a

5  song, or video clip (See Cooper Paragraph 0036).

6

7

8          Claims 9-10, 16-17, 20-28, 37, and 40 are rejected under 35 U.S.C. 103(a) as being

9  unpatentable over Cooper, and further in view of Barber et al. (US Patent Number 5,390,297)

10  hereinafter referred to as Barber.

11          Regarding claim 9, Cooper disclosed a system comprising: a source database storing a

12  plurality of highly compressed content pieces (See Cooper Fig. 2 Element 234 and Paragraph

13  0124); and a content player (See Cooper Fig. 2 Element 115 and Paragraph 0124), coupled to the

14  source database (See Cooper Fig. 2), including, an interface to receive a subset of the plurality of

15  highly compressed content pieces from the source database (See Cooper Fig. 2 and Paragraph

16  0124 wherein the examiner has interpreted the player checking the copyright registry as

17  receiving the various digital certificates because the player is checking if the particular digital

18  certificate of the content file is in the content registry), a storage device to store the subset, a

19  comparator to compare the subset to content and determine whether the content matches any of

20  the plurality of highly compressed content pieces in the subset (See Cooper Paragraph 0124), a

21  resolver to take particular action in response to the comparator indicating the content matches

22  one of the plurality of highly compressed content pieces in the subset (See Cooper Paragraph

1　　0124), and an output controller to render the content if the comparator indicates that the content

2　　does not match any of the highly compressed content pieces in the subset, but failed to disclose

3　　the storage device is further to store a plurality of licenses identifying content that a user of the

4　　content player is authorized to playback, and wherein the particular action comprises the resolver

5　　checking whether one of the plurality of licenses corresponds to the content.

6　　　　　Barber teaches that in order to allow multiple users access to content simultaneously, that

7　　multiple licenses should be provided for the content, and when content is to be used, a license

8　　should be "checked out" (See Barber Col. 2 Lines 10-19 and Fig. 3 and associated text).

9　　　　　It would have been obvious to the ordinary person skilled in the art at the time of

10　　invention to employ the teachings of Barber in the content protection system of Cooper by

11　　verifying that the computer had a license for the content when it was detected that another user

12　　was accessing the content. This would have been obvious because the ordinary person skilled in

13　　the art would have been motivated to allow any node access to the content at any time, without

14　　violating licensing agreements.

15　　　　　Regarding claim 16, Cooper disclosed a device comprising: a memory to store one or

16　　more highly compressed content pieces (See Cooper Paragraph 0124); and a comparator,

17　　coupled to the memory, to compare the one or more highly compressed content pieces to content

18　　at the device and to determine whether the content matches at least one of the one or more highly

19　　compressed content pieces (See Cooper Paragraph 0124), and a resolver, coupled to the

20　　comparator to take a particular action in response to the comparator indicating the content

21　　matches one of the plurality of highly compressed content pieces in the subset (See Cooper

1    Paragraph 0124), but failed to disclose that the action was checking to see whether the device

2    had a valid license for the content.

3         Barber teaches that in order to allow multiple users access to content simultaneously, that

4    multiple licenses should be provided for the content, and when content is to be used, a license

5    should be "checked out" (See Barber Col. 2 Lines 10-19 and Fig. 3 and associated text).

6         It would have been obvious to the ordinary person skilled in the art at the time of

7    invention to employ the teachings of Barber in the content protection system of Cooper by

8    verifying that the computer had a license for the content when it was detected that another user

9    was accessing the content.  This would have been obvious because the ordinary person skilled in

10   the art would have been motivated to allow any node access to the content at any time, without

11   violating licensing agreements.

12        Regarding claim 37, Cooper disclosed a method implemented in a content player, the

13   method comprising: comparing a portion of media content to a set of one or more highly

14   compressed pieces of content (See Cooper Paragraph 0124); determining whether the portion of

15   media content matches any of the set of highly compressed pieces (See Cooper Paragraph 0124);

16   and taking a programmed action if the portion of media content matches any of the set of highly

17   compressed pieces (See Cooper Paragraph 0124), but failed to disclose that the particular action

18   comprised checking whether one of a plurality of licenses maintained at a content player

19   performing the comparing corresponds to the portion of media content.

20        Barber teaches that in order to allow multiple users access to content simultaneously, that

21   multiple licenses should be provided for the content, and when content is to be used, a license

22   should be "checked out" (See Barber Col. 2 Lines 10-19 and Fig. 3 and associated text).

1        It would have been obvious to the ordinary person skilled in the art at the time of

2    invention to employ the teachings of Barber in the content protection system of Cooper by

3    verifying that the computer had a license for the content when it was detected that another user

4    was accessing the content. This would have been obvious because the ordinary person skilled in

5    the art would have been motivated to allow any node access to the content at any time, without

6    violating licensing agreements.

7        Regarding claim 40, Cooper disclosed one or more computer-readable memories

8    containing a computer program that is executable by a processor of a device to perform a method

9    comprising: comparing, at the device, a portion of media content to a set of one or more highly

10    compressed pieces of content (See Cooper Paragraph 0124); determining whether the portion of

11    media content matches any of the set of highly compressed pieces (See Cooper Paragraph 0124);

12    taking a particular action if the portion of media content matches any of the set of highly

13    compressed pieces (See Cooper Paragraph 0124), and rendering the content if the determining

14    indicates the portion of media content does not match any of the set of highly compressed pieces

15    (See Cooper Paragraph 0124), but failed to disclose that the action was checking to see whether

16    the device had a valid license for the content.

17        Barber teaches that in order to allow multiple users access to content simultaneously, that

18    multiple licenses should be provided for the content, and when content is to be used, a license

19    should be "checked out" (See Barber Col. 2 Lines 10-19 and Fig. 3 and associated text).

20        It would have been obvious to the ordinary person skilled in the art at the time of

21    invention to employ the teachings of Barber in the content protection system of Cooper by

22    verifying that the computer had a license for the content when it was detected that another user

1    was accessing the content. This would have been obvious because the ordinary person skilled in

2    the art would have been motivated to allow any node access to the content at any time, without

3    violating licensing agreements.

4          Regarding claims 10 and 28, Cooper and Barber disclosed wherein each of the plurality

5    of highly compressed content pieces in the subset further indicates whether one of the plurality

6    of licenses is required for playback of the content (See the rejection of claim 9 above wherein in

7    the combination, a match with the registry indicates that another is using the file and therefore a

8    license check is needed).

9          Regarding claim 17, see the rejection of claim 2 above.

10         Regarding claim 20, see the rejection of claim 11 above.

11         Regarding claims 21-23, Cooper and Barber disclosed a playback controller, coupled to

12    the memory, to receive the content from a CD (See Cooper Paragraph 0036).

13         Regarding claim 24,  see the rejection of claim 8 above.

14         Regarding claims 25-26, see the rejection of claims 14-15 above.

15         Regarding claim 27, Cooper and Barber disclosed a portable music player (See Cooper

16    0049).

17         Claims  1-3, 7, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over

18    Edwards et al. (US Patent Number 6,594,686) hereinafter referred to as Edwards, and further in

19    view of Reinert et al. (US Patent Number 6,347,375) hereinafter referred to as Reinert.

20         Regarding claims 1, and 46, Edwards disclosed a system comprising: a source database

21    storing a plurality of content pieces (See Edwards Col. 1 Lines 55-63 wherein it was well known

22    that in a virus protection system, signatures are downloaded from a source database), and a

1     content player, coupled to the source database, including, an interface to receive a subset of the

2     plurality of content pieces from the source database (See Edwards Col. 1 Lines 55-63 wherein it

3     was well known that in a virus protection system, signatures are downloaded from a source

4     database), a storage device to store the subset (See Edwards Col. 1 Lines 55-63 wherein it was

5     inherent that the signatures were stored in the server in order for the server to have used them for

6     scanning), a comparator to compare the subset to content and determine whether the content

7     matches any of the plurality of highly compressed content pieces in the subset (See Edwards Col.

8     3 Lines 31-54 wherein the scanning for viruses has been interpreted as comparing the signatures

9     to the files), and a resolver to take particular action in response to the comparator indicating the

10     content matches one of the plurality of highly compressed content pieces in the subset (See

11     Edwards Col. 3 Lines 31-54), and an output controller to render the content if the comparator

12     indicates the content does not match any of the content pieces in the subset (See Edwards Col. 3

13     Lines 31-54), but failed to specifically disclose that the signatures could be compressed, and

14     further failed to disclose accessing a remote device to perform a more thorough analysis of

15     whether the content matches any of the plurality of highly compressed content pieces by

16     receiving additional highly compressed content pieces. However, it was well known that data

17     was compressed in order to save space and to decrease the amount of data needed to be

18     transferred over a network connection, and therefore it would have been obvious to the ordinary

19     person skilled in the art to have compressed the virus signatures for downloading to the scanner.

20         Reinert teaches that upon detection of a virus by a virus scanner in a device, the device

21     should connect to a server and download the most up to date virus scanner and the most up to

1    date signature files in order to scan and repair the device of any viruses (See Reinert Fig. 3 and

2    associated text).

3           It would have been obvious to the ordinary person skilled in the art at the time of

4    invention to employ the teachings of Reinert in the virus scanning system of Edwards by upon

5    detection of a virus by the virus scanner in the device, the device connecting to a server and

6    download the most up to date virus scanner and the most up to date signature files in order to

7    scan and repair the device of any viruses. This would have been obvious because the ordinary

8    person skilled in the art would have been motivated to repair the infected content as well as to

9    detect any of the viruses known by the up to date signature files.

10          Regarding claims 2 and 32, Edwards disclosed that the comparator is to compare the

11   subset to content being played by the content player (See Edwards Col. 3 Lines 14-16).

12          Regarding claims 3, 34-35, 42-43, and 48-49 it was further well known that virus

13   signatures were downloaded over the Internet.

14          Regarding claim 7, see the rejection of claim 1 above.

15          Regarding claim 45, Edwards disclosed storing the portion of media content (See

16   Edwards Col. 3 Paragraph 1).

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1                                          *Conclusion*

2          Claims 1-17, and 20-52 have been rejected.

3          Applicant's amendment necessitated the new ground(s) of rejection presented in this

4   Office action.  Accordingly, **THIS ACTION IS MADE FINAL**.  See MPEP § 706.07(a).

5   Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

6          A shortened statutory period for reply to this final action is set to expire THREE

7   MONTHS from the mailing date of this action.  In the event a first reply is filed within TWO

8   MONTHS of the mailing date of this final action and the advisory action is not mailed until after

9   the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

10  will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

11  CFR 1.136(a) will be calculated from the mailing date of the advisory action.  In no event,

12  however, will the statutory period for reply expire later than SIX MONTHS from the date of this

13  final action.

14         Any inquiry concerning this communication or earlier communications from the

15  examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790.

16  The examiner can normally be reached on M-F 8-4.

17         If attempts to reach the examiner by telephone are unsuccessful, the examiner's

18  supervisor, Ayaz Sheikh can be reached on (571) 272-3795.  The fax phone number for the

19  organization where this application or proceeding is assigned is 571-273-8300.

1       Information regarding the status of an application may be obtained from the Patent

2   Application Information Retrieval (PAIR) system. Status information for published applications

3   may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

4   applications is available through Private PAIR only. For more information about the PAIR

5   system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

6   system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

7   like assistance from a USPTO Customer Service Representative or access to the automated

8   information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9
10
11  Matthew Henning
12  Assistant Examiner
13  Art Unit 2131
14  2/15/2007

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